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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,512	08/29/2001	David Perez Corral	FR920010024US1	9605

7590

07/01/2005

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EXAMINER

STEELMAN, MARY J

ART UNIT	PAPER NUMBER
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2191

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/942,512

Applicant(s)

CORRAL, DAVID PEREZ

Examiner

Mary J. Steelman

Art Unit

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 01 June 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See continuation sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

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PRIMARY EXAMINER

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In response to Remarks submitted 1 June 2005, After Final Office Action, Applicant has argued, in substance, the following:

(A) Regarding claim 1, Morgan fails to teach “headlight report including...potential catastrophes associated with the project.”

Examiner’s Response: Examiner disagrees. Examiner believes that certainly ‘potential catastrophes associated with a project’ would be addressed in a trend, forecast, and value-added report.

(B) Regarding claim 3, Applicant argues that ‘production rate’ does not equate to ‘software timing’ as defined on page 67 of the Specification.

Examiner’s Response: Examiner disagrees. Minkiewicz disclosed (col. 10, lines 10-19), “The estimating step...related to the various parameters...information pertaining to various elements or items to be developed are retrieved...These include...such as production rate (timing), effort rating (difficulty of a software project), size characteristics of the elements or items such as whether new, modified, reused (whether pre-existing documentation exists for the project) as well as metric value, which could be selected from a class including source line of code, metric, function point metrics (complexity of the software) or predictive object point metric” in calculating an effort rating. Page 67 does not clearly define ‘production rate.’ Examiner believes parameters disclosed by Minkiewicz contribute to parameters of software timing.

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(C) Regarding claim 11, prior art references fail to teach “assigning a document review workflow to the document according to whether the originator is a member of the organization.”

Examiner’s Response: Examiner disagrees. Morgan / Reed disclosed (Morgan: Col. 5, lines 28-31), “These activity names or codes are collected in a master activity dictionary (classifying a document), which functions as a glossary of activities for all sites...”, col. 5, line 64- col. 6, line 5, “...personnel information (originator is a member of the organization) or people mapping...identifies ...the employees including contractors, consultants, and temporary workers...The activity percentages data...represents the percentage of time spent for activities on his/ her job (account for whether employee is member of organization), col. 5, line 31, “...master activity dictionary...” Col. 6, lines 58-61, “The master activities list or dictionary is referred to when a site user needs to identify and account (review workflow) for activities performed by a management organization...”

The combination failed to specifically detail “classifying a document”. However, Summerlin disclosed (col. 3, lines 18-19), “automatic classification or categorization of computer...documents.” Summerlin understood (col. 1, lines 8-11) the “science of records management” including “classifying...as evidence of the conduct of business processes...” Classifying a document and assigning a document review workflow dependent on a feature or quality (originator is a member of the organization) of a member is inherently done in many business practices, and would be obvious.

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(D) Regarding claim 18, prior art does not teach “determining a cause of a defect...by determining if one or more events occurred, the one or more events being from a group of events that includes a miscommunication between members of a software development team, a software transcription error, and inadequate training of the members of the software development team.

Examiner’s Response: Examiner disagrees. Morgan disclosed (col.4, lines 15-28), “The automated activity-based management system of the present invention takes this traditional accounting information, along with some additional business information provided by the user (events such as a miscommunication between members of a software development team, a software transcription error, and inadequate training of the members), and allocates the monetary cost or dollars to the activities performed. The activity-based management view maps these same expenditures to activities such as **network surveillance, network testing, technical assistance** (inadequate training), **problem resolution** (miscommunication between members of a software development team, a software transcription error, and inadequate training of the members of the software development team), **vendor interaction, and configuration changes**. (emphasis added) Morgan disclosed that “the cause of a defect” is mapped to events related to a group of events. It is obvious, that problem resolution, as disclosed by Morgan, includes such features.

Examiner maintains the rejections of claims 1, 3-15, 17, and 18.

Mary Steelman

06/25/2005